

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,))
))
 Plaintiff,))
))
 vs.) 2:11-CR-453-PMP-CWH
))
 DAVID M. MARK,) MINUTES OF THE COURT
))
))
 Defendant.) DATED: April 8, 2013

PRESENT: THE HONORABLE PHILIP M. PRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Donna Sherwood RECORDER: Henry Enriquez

COUNSEL FOR PLAINTIFF: Brian Pugh, Sarah Griswold

COUNSEL FOR DEFENDANT: Michael Fawer, Miles Mark

PROCEEDINGS: **HEARING ON DEFENDANT'S RULE 29 MOTION FOR JUDGMENT OF ACQUITTAL [130]**

9:00 a.m. Court convenes. Defendant is present on a PR Bond.

The Court advises counsel the clerk received a call last week from Juror #9, who is requesting to be excused due to a financial hardship. The Court will discuss this matter further with counsel.

The Court hears the arguments of Mr. Fawer and Ms. Griswold.

IT IS ORDERED Defendant's Rule 29 Motion for Judgment of Acquittal [130, 132] is **Denied**.

IT IS ORDERED the Government's Motion to Exclude the Testimony of Defendant's Proposed Expert Butler, or in the alternative, Limit James Butler's Testimony [80] is **granted without prejudice** to the defendant to again offer Butler in the event the defendant testifies or other evidence is presented on behalf of the defendant.

LANCE S. WILSON, CLERK
United States District Court
By: /s/
Donna Sherwood, Deputy Clerk